

Ordinance No. 2020-02

An ordinance amending the master development plan for a 3-story, 75-unit apartment building the property located at 4312 Shady Oak Rd.

The City of Minnetonka Ordains:

Section 1.

- 1.01 On Sept. 25, 2017, the city council adopted Ordinance No. 2017-15 that rezoned the property located at 4312 Shady Oak Rd. from B-2 Commercial to PUD/Planned Unit Development.
- 1.02 On Feb. 24, 2020, the city council considered a major amendment to the master development plan for the property. The master development plan contemplated a 75 unit, 3-story apartment building.
- 1.03 City Code Section 300.22 Subd. 9 states that major amendments to an approved master development plan "...may be approved by the city council after review by the planning commission."
- 1.04 City Code Section 300.22 Subd. 1 allows for planned unit development zoning "...to provide flexibility from certain zoning and subdivision regulations in order to realize public benefits that may not otherwise be achieved through non-PUD development."
- 1.05 City Code Section 300.22 Subd. 2 states that, "...PUD zoning may be considered by the city when it would result in one of the following public benefits:
 - a) Greater preservation of existing natural resources, in number or quality, than would otherwise be provided under non-PUD development;
 - b) Provision of affordable housing;
 - c) Provision of a housing type or target housing price that is desirable to the city;
 - d) A mix of land use types;

- e) Development that is compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts; or
- f) Greater energy conservation through building and site design than would otherwise be achieved under non-PUD development;
- g) Other public benefits as recognized by the city.

Section 2.

2.01 This action is based on the following findings:

- a. The rezoning to PUD would provide the following public benefits:
 - (1) A greater protection of natural resources.
 - a. The project would remove existing site contamination.
 - b. The project would incorporate stormwater management to treat surface water run-off.
 - c. The project would increase green space and landscaping on site.
 - (2) It would result in the provision of affordable housing and a housing type and price that is desirable to the city.
 - (3) As a transition property, the proposed development is compatible with the surrounding development type south along the Shady Oak Road corridor, which is represented by a mix of commercial and multi-family residential uses.
- b. The rezoning is consistent with the comprehensive guide plan, the Shady Oak Road Study, and the intent of the zoning ordinance.
- c. The rezoning is consistent with the public health, safety, and welfare.

Section 3.

3.01 Approval is subject to the following conditions:

- a. The property must be developed and maintained in substantial conformance with the following plans:
 - 1. Subject to staff approval, Shady Oak Crossings must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

- Preliminary Plat, dated Dec. 2, 2019
- Site Plan, dated Dec. 2, 2019
- Grading Plan, dated Dec. 2, 2019
- Utility Plan, dated Dec. 2, 2019
- Tree Preservation Plan, Dec. 2, 2019
- Landscape Plan, dated June 19, 2019
- SWPPP, Dec. 2, 2019
- Architectural Plans, received Dec. 2, 2019

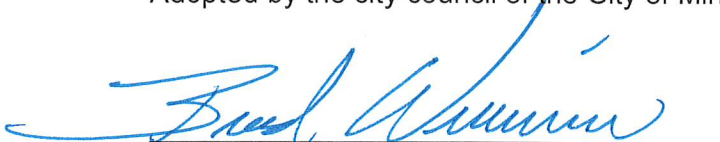
The plans outlined above constitute the master development plan for the subject properties.

2. Development must further comply with all conditions outlined in City Council Resolution No. 2020-021, approving the final site and building plans.
3. This ordinance is contingent on detachment/annexation approval.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.


Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on Feb. 24, 2020.



Brad Wiersum, Mayor

Attest:



Becky Koosman, City Clerk

Action on this Ordinance:

Date of introduction: Jan. 6, 2020

Date of adoption: Feb. 24, 2020

Motion for adoption: Kirk

Seconded by: Schack

Voted in favor of: Kirk, Schack, Carter, Calvert, Schaeppi, Coakley, Wiersum

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

Certified Copy:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 24, 2020.

Becky Koosman, City Clerk

EXHIBIT A

That part of the West Half of the Southeast Quarter of Section 23, Township 117 North, Range 22 West, Hennepin County, Minnesota being described as follows:

All that portion of the tract or parcel of land described as Paragraph "A" below, which lies Southerly of a line drawn parallel to and 200 feet Southerly of the North line thereof and the same extended, to wit:

Paragraph "A"; That portion of the West Half of the Southeast Quarter of Section 23, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows: Starting at the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section, thence South along the East line of the West half of the Southeast Quarter of said Section, a distance of 300 feet, thence Westerly at right angles to said East line for a distance of 284 feet; thence Northerly along a line parallel to said East line a distance of 600 feet; thence Easterly along a line at right angles to said East line 209 feet to the center line of McGinty Road; thence Southeasterly along the center line of McGinty Road to the East line of the West Half of the Southeast Quarter of said Section 23; thence Southerly along said East line 33.5 feet to the point of beginning.

Which are described as follows:

Parcel A: The West 109.00 feet of the North 139.00 feet.

Parcel B: That part of the North 158.00 feet thereof lying East of the West 109.00 feet thereof.

Together with an easement for driveway and parking purposes over, under and cross that part of Lot 22, Block 1, Oak Ridge 2nd Addition, lying Northeasterly of a line, and its extensions, drawn from the Southeast corner of said lot to a point on the Northwesternly line of said lot distant 120 feet Southwesterly, measured along said Northwesternly line, from the most Northerly corner of said lot, as contained in deed Doc. No. 966456; (See Order Doc. No. 1053666)

Which lies northeasterly of the following described line:

Commencing at the northeast corner of Lot 23, Block 1, OAK RIDGE 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota; thence South 03 degrees 27 minutes 33 seconds West, along the east line of said Lot 23, a distance of 10.00 feet to the point of beginning of the line to be described; thence South 86 degrees 32 minutes 27 seconds East a distance of 23.56 feet to the point of beginning of the line to be described; thence South 03 degrees 27 minutes 33 seconds West a distance of 18.99 feet; thence southeasterly 113.10 feet along a tangential curve concave to the northeast having a radius of 70.00 feet and central angle of 92

degrees 34 minutes 30 seconds; thence South 89 degrees 06 minutes 57 seconds East a distance of 40.85 feet; thence South 78 degrees 08 minutes 08 seconds East a distance of 140.43 feet, more or less, to the east line of said West Half of the Southeast Quarter and there terminating.

City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Notice of Adoption of Ordinance No. 2020-02

To whom it may concern:

Notice is hereby given that on Feb. 24, 2020 the Minnetonka City Council adopted Ordinance No. 2020-02, an ordinance amending the master development plan for a 3-story, 75-unit apartment building the property located at 4312 Shady Oak Rd. This ordinance amends the master development plan for Shady Oak Crossings located at 4312 Shady Oak Road.

A full copy of the Ordinance is available on the city's web site (minnetonkamn.gov) and may be viewed during regular office hours at the city clerk's office in city hall. A copy may also be obtained by standard or electronic mail.



Becky Koosman, City Clerk